IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 30TH NOVEMBER 2006 / 9TH AGRAHAYANA 1928

WP(C).No. 31227 of 2006(P)

PETITIONER:

THE THANNEERMUKKOM SREVICE
CO-OPERATIVE BANK LTD.NO.A.809,
THANNEERMUKKOM, ALAPPUZHA-688 527,
REPRESENTED BY ITS PRESIDENT.

BY ADV. SRI.JOHN BRITTO
SRI.C.A.RAJEEV

RESPONDENTS:

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1. THE ASSISTANT ENGINEER,
CANAL SECTION, THATHAMPALLY P.O.,
ALAPPUZHA.

2. USHAKUMARI. R., KANDATHIL PARAMBIL,
THANNEERMUKKOM, CHERTHALA, ALAPPUZHA.

3. SUMATHI. K., KANDATHI PARAMBIL VEEDU,
THANNERMUKKKOM, CHERTHALA, ALAPPUZHA.

BY SENIOR GOVERNMENT PLEADER, SRI P.N.SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.M.JAMES, J.

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W.P.(C) No. 31227 of 2006 (P)

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Dated this the 30th day of November, 2006

J U D G M E N T

Writ petitioner, through Exhibit P4, requisitioned the first respondent to deduct the salary of the second respondent, as stated therein and remit it within seven days to the bank, under Section 37 of the Kerala Co-operative Societies Act, 1969, in short 'the Act'. A total amount of Rs.27,233/- is due from the second respondent and the principal debtor. No reply has been received to Exhibit P4, sent to the first respondent. Exhibit P2 is a certificate of salary, issued by the first respondent to the writ petitioner, undertaking, inter alia, that the first respondent is the Drawing and Disbursing Officer of the second respondent and the first respondent would recover the amounts due from the second respondent, if the latter fails to pay the premium as agreed and undertaken before the writ petitioner. This can be seen from Serial No.12(1&2) of Exhibit P2.

2. In the above facts situation, I direct the first respondent to deduct the amounts as stated in Exhibit P4 and

remit the same to the bank, under Section 37 of the Act, within seven days from the date of deduction, from the salary of the second respondent. This shall be done without failure, until the amount legally due, to the writ petitioner, is deducted and remitted.

The writ petition is disposed of as above.

(J.M.JAMES)
Judge

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